



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,840	05/01/2001	Guy Alexander Tom Middleton	5582-2	4985

7590

11/22/2004

John V. Moriarty
Woodard, Emhardt, Naughton, Moriarty and McNett
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137

EXAMINER

ROSWELL, MICHAEL

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/846,840

Applicant(s)

MIDDLETON ET AL.

Examiner

Michael Roswell

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 6 is objected to because of the following informalities: the claim recites the limitation "lay variables" in line 5 of the claim, which the Examiner will interpret as "play variables". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenner et al (US Patent 5,956,716), hereinafter Kenner, and Leeke et al (US Patent 6,587,127), hereinafter Leeke.

1. In regards to claim 1, Kenner describe a method of viewing a sequence of media clips wherein a local user connected to a network of one or more servers containing the media files consecutively plays the selected content (Column 4, Lines 36-46). The primary server is able to decode and play the files using the Primary Index Manager and Data Sequencing Interface disclosed by Kenner (Column 12, Lines 10-13 and Column 20, Lines 22-32). The user is able to create a play list of files in a particular order and specify a number of variables relevant to each file (Column 21, Lines 43-46 and Column 5, Lines 3-7). The server software retrieves the

selected files and plays them through a viewer located on the local machine (Column 4, Lines 43-46).

2. However, Kenner fails to explicitly teach software capable of decoding selected files located at a server computer, commencing play of files in a user playlist in the user selected sequence at one of the server computers, and allowing the user to view the played files in the user selected sequence.

3. Leeke teaches a content player capable of playing user selected playlists and files from content servers. Leeke also teaches commencing play of files in a user playlist in the user selected sequence at one of the server computers, and allowing the user to view the played files in the user selected sequence, taught as the use of a player cooperating with a browser or a streaming audio plug-in executed by a client for viewing files streamed from a server at col. 5, lines 33-41, and the sequential play of items on a playlist, at col. 18, lines 60-67. Furthermore, software capable of decoding files, such as codecs, are well known in the art to be readily available on servers for download and use by media player software.

4. Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Kenner and Leeke before him at the time the invention was made to modify the method for viewing media clips of Kenner to include the sequential sequence viewing of Leeke and the location of a codec or other such decoding software at a server to obtain a media player capable of viewing files in a playlist sequentially and using software located on a server capable of decoding media files.

5. One would be motivated to make such a combination for the advantage user-friendliness in allowing a client to view selected media in a specified order.

Art Unit: 2173

6. In regards to claim 2, Kenner have been shown *supra* to teach a method of viewing a sequence of media clips similar to applicant's claim 1. Addition, amendment, and deletion of files from the play list and play variables is handled by the Search and Retrieval Unit disclosed by Kenner (Column 5, Lines 3-7). Kenner further discloses the viewing of selected media through a browser plug-in (Column 21, Lines 22-25).

7. In regards to claim 3, Kenner have been shown *supra* to describe a method for addition, amendment, and deletion of media files and variables and the playing of the media through a browser plug-in. Kenner also teach the use of a user identifier (Column 21, Lines 40-43) and password to establish relevant user access rights to a server or specific files or variables defined by the user (Column 34, Lines 45-48).

8. In regards to claim 4, Kenner have been shown *supra* to disclose a method for viewing a sequence of media clips wherein the user is required to enter an identifier and password to access specific files or servers. Kenner also show the linking of a user identifier to a relevant user database to ensure sequences created by the user are accessible (Column 21, Lines 40-46 and Column 34, Lines 45-48).

9. In regards to claim 5, Kenner disclose the use of a computer program to execute their method for viewing a sequence of media clips (Column 7, Lines 36-38). Kenner also describe a method of viewing a sequence of media clips wherein a local user connected to a network of one or more servers containing the media files consecutively plays the selected content (Column 4, Lines 36-46). The primary server is able to decode and play the files using the Primary Index Manager and Data Sequencing Interface disclosed by Kenner (Column 12, Lines

Art Unit: 2173

10-13 and Column 20, Lines 22-32). The user is able to create a play list of files in a particular order and specify a number of variables relevant to each file (Column 21, Lines 43-46 and Column 5, Lines 3-7). The server software retrieves the selected files and plays them through a viewer located on the local machine (Column 4, Lines 43-46).

10. However, Kenner fails to explicitly teach software capable of decoding selected files located at a server computer, commencing play of files in a user playlist in the user selected sequence at one of the server computers, and allowing the user to view the played files in the user selected sequence.

11. Leeke teaches a content player capable of playing user selected playlists and files from content servers. Leeke also teaches commencing play of files in a user playlist in the user selected sequence at one of the server computers, and allowing the user to view the played files in the user selected sequence, taught as the use of a player cooperating with a browser or a streaming audio plug-in executed by a client for viewing files streamed from a server at col. 5, lines 33-41, and the sequential play of items on a playlist, at col. 18, lines 60-67. Furthermore, software capable of decoding files, such as codecs, are well known in the art to be readily available on servers for download and use by media player software.

12. Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Kenner and Leeke before him at the time the invention was made to modify the method for viewing media clips of Kenner to include the sequential sequence viewing of Leeke and the location of a codec or other such decoding software at a server to obtain a media player capable of viewing files in a playlist sequentially and using software located on a server capable of decoding media files.

13. One would be motivated to make such a combination for the advantage user-friendliness in allowing a client to view selected media in a specified order.

14. In regards to claim 6, Kenner have been shown *supra* to describe a method for addition, amendment, and deletion of media files and variables and the playing of the media through a browser plug-in. Kenner also teach the use of a user identifier (Column 21, Lines 40-43) and password to establish relevant user access rights to a server or specific files or variables defined by the user (Column 34, Lines 45-48).

Response to Arguments

Applicant's arguments with respect to claims 1 and 5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Art Unit: 2173

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell
11/16/2004



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173